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211

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/801,458	02/18/97	KOBATA	H KOB-102

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EXAMINER

TANNER, C

ART UNIT	PAPER NUMBER
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2757

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DATE MAILED: 09/01/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/801,458

Applicant(s)

Kobata

Examiner

Chris Tanner

Group Art Unit

2757



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-14 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-14 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Part III DETAILED ACTION

Specification

1. Claims 1-14 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant failed to separate preamble from body of claims by use of transition phrase such as "consisting of" or "comprising".

4. In claim 1, line 7, "the associated computer" has no clear antecedent basis.

In claim 6, line 1, the phrase "computer bar means" has no clear meaning. "computer bar means" should have read ---computer has means---, see line 1, for support.

In claim 8, line 3, the word "anonimity" should have read --anonymity---, see line 3, for support.

In claim 10, line 2, the phrase "client client's are" should have read ---client's contents are---, see line 2, for support.

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Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 1-14 are rejected under 35 U.S.C. § 102(e) as being unpatentable over Filepp et al. (USPN: 5,758,072).

7. As to claim 1, Filepp et al. discloses a client/server provider environment as claimed including:

- means at client including computer for running client software (column 4, lines 19-24);
- client software provided by service provider for ascertaining demographic information related to client, and for periodic transmission back to server (column 5, lines 23-25, lines 32-36);
- means at client for transmitting demographic information to server (column 88, lines 28-38, see also column 80, lines 12-20).
- means at server for creating a database of information transmitted from client, for filtering database data as to demographic parameters and for displaying the resultant information (column 88, lines 28-42).

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8. As to claims 2 and 3, Filepp et al. discloses the invention as claimed including:

- client having CPU, demographic information including power of client CPU (column 78 lines 5-14, 26-30, 46-54);
- client having hard disk, demographic information including power of client hard disk (column 78 lines 5-14, 26-30, 46-54, see also column 81 lines 33-36);

9. As to claim 4, Filepp et al. discloses the invention as claimed including:

- client having applications installed, demographic information including identity of applications installed (column 7, lines 21-36);

10. As to claim 5, Filepp et al. discloses the invention as claimed including:

- client having modem, demographic information including speed of modem (column 78, lines 64-67, column 89, lines 37-41);

11. As to claim 6, Filepp et al. discloses the invention as claimed including:

- client having means for keeping track of log-in history, demographic information including log-in history (column 86 lines 43-60, column 88 lines 17-27);

12. As to claim 7, Filepp et al. discloses the invention as claimed including:

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- client having unique serial number, means for transmitting demographic information include transmitting unique serial number ("personal entry code" column 8, line 45);

13. As to claim 8, Filepp et al. does not explicitly disclose the server having means for assuring anonymity of client regardless of transmission of serial number. Nonetheless, a person of ordinary skill in the art would have recognized the wealth of encryption techniques that existed at the time of invention, for preventing the detection of the serial number including when the serial number is surreptitiously intercepted on the network. Encryption of personal data was widely practiced in the network communication art at the time of invention. Thus satisfying the invention as claimed in claim 8.

14. As to claim 9, Filepp et al. discloses the invention as claimed including:

- server having means for automatically selecting which client contents are to be transmitted (see also column 83 lines 27-44, column 2 lines 39-42);

15. As to claim 10, Filepp et al. discloses the invention as claimed including:

- means of claim 9 include means for ascertaining ability of client to receive contents and for transmitting contents only to those clients having appropriate ability (column 7

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lines 37-44, see also column 83 lines 27-44, see also column 2 lines 47-51);

16. As to claim 11, Filepp et al. discloses the invention as claimed including:

- server having multiple versions of client contents, means of claim 9 include selecting which client contents are to be transmitted based on client's ability to receive (column 11 lines 37-44, see also column 83 lines 27-44);
- version selected is the most complex possible for receipt by client (column 83 lines 27-44);

17. As to claim 13, Filepp et al. discloses the invention as claimed including:

- means for ascertaining if client is a member of predetermined service provider and transmitting only to members (column 8, lines 38-49).

18. As to claim 14, Filepp et al. discloses the invention as claimed including:

- server means for controlling when client transmits demographic data (column 77, lines 49-54);

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

20. Any response to this action should be mailed to:

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or faxed to:

(703) 308-9051 (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label "PROPOSED" or "DRAFT");

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Tanner whose telephone number is 703-305-0029.

The examiner can normally be reached on Tuesday-Friday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Glen Burgess can be reached on (703) 305-4792.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


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August 26, 1998



GLENTON B. BURGESS
PRIMARY EXAMINER